IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 47 OF 2006

SHRI PRABHAKAR DATTARAM SIRVOICAR, PANAJI GOA. ....Appellant

Versus

SHRI RAM KESHAV SHILKAR AND 2 ORS., ...Respondents

Shri V. A. Lawande,. Advocate for the appellant.

Shri Sudin Usgaonkar, Advocate for the respondent No.1.

Coram:- S.A.BOBDE, J.

Date:- 7th March, 2007

P.C.

Heard. After hearing the matter for sometime, the following order is passed, by consent.

The Judgment and Decree dated 24th October, 2005 passed by the IInd Ad Hoc Additional District Judge, at Panaji in regular Civil Appeal No. 26/2005 is, hereby, set aside. The matter is remanded to the appellate Court. The appellate Court shall decide the Regular Civil Appeal No.26/2005, after formulating the points for determination in accordance with Order 41, Rule 31 of the Civil Procedure Code in accordance with the Judgment of the Division Bench of this Court in Khatunbi Mohammad Sayeed vs. Aminabai Mohammad Sabh., reported in 2006(6) ALL MR 310.

S.A.BOBDE, J.

ssm.